

AMENDED IN SENATE MAY 25, 2004  
AMENDED IN SENATE APRIL 26, 2004  
AMENDED IN SENATE MARCH 30, 2004

**SENATE BILL**

**No. 1488**

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**Introduced by Senator Bowen**

February 19, 2004

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An act to amend Section 583 of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1488, as amended, Bowen. Public Utilities Commission: public information.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. Every public utility is required to furnish ~~such~~ reports as the commission may require. No information furnished to the commission by a public utility, except those matters specifically required to be open to public inspection, are open to public inspection or made public except by order of the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any information in violation of these provisions is guilty of a misdemeanor.

This bill would provide that all information furnished to the commission by a public utility, except those matters specifically required to be closed to public inspection, are open to public inspection and may not be withheld from public inspection except by order of the commission or a commissioner in the course of a hearing or proceeding. The bill would ~~authorize~~ *require* the commission to *designate by order* that ~~certain categories~~ *a category* of information ~~be~~ *is* confidential if the

commission finds that the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure. The bill would further provide that any present or former officer or employee of the commission who divulges information made confidential by the commission is guilty of a misdemeanor.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 583 of the Public Utilities Code is  
2 amended to read:

3 583. (a) All information furnished to the commission by a  
4 public utility, or any business which is a subsidiary or affiliate of  
5 a public utility, or a corporation which holds a controlling interest  
6 in a public utility, except those matters specifically required to be  
7 closed to public inspection by this part, shall be open to public  
8 inspection and may not be withheld from public inspection except  
9 on order of the commission, or by the commission or a  
10 commissioner in the course of a hearing or proceeding.

11 ~~(b) The commission may, by order, designate certain categories~~  
12 ~~of information as confidential, if it finds that the public interest~~

13 (b) *If the commission finds there is a category of information*  
14 *where the public interest served by not disclosing the information*  
15 *clearly outweighs the public interest served by disclosure of the*  
16 *information, the commission, by order, shall designate that*  
17 *category of information as confidential.*

18 (c) Any present or former officer or employee of the  
19 commission who divulges information made confidential by the  
20 commission is guilty of a misdemeanor.

21 (d) Nothing in this section authorizes ~~disclosure of information~~  
22 ~~that is the disclosure of information that is determined by the~~  
23 *commission to be either of the following:*

24 (1) *Information exempt from disclosure under the California*  
25 *Public Records Act (Chapter 3.5 (commencing with Section 6250)*  
26 *of Division 7 of Title 1 of the Government Code).*

1     (2) *Market sensitive information, including, but not limited to,*  
2 *information the commission determines is protected pursuant to*  
3 *Section 454.5.*

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